## Case 3:10-cv-03747-JSC Document 16 Filed 10/12/11 Page 1 of 3

\*E-Filed 10/12/11\*

THOMAS E. FRANKOVICH (State Bar #074414) THOMAS E. FRANKOVICH A PROFESSIONAL LAW CORPORATION 4328 Redwood Hwy, Suite 300 94903 3 San Rafael, CA Telephone: 415/674-8600 Facsimile: 415/674-9900 4 5 CRAIG YATES, an individual; 6 7 UNITED STATES DISTRICT COURT 8 NORTHERN DISTRICT OF CALIFORNIA 9 10 CRAIG YATES, an individual, **CASE NO. CV-10-3747-RS** 11 Plaintiff, STIPULATION OF DISMISSAL OF **DEFENDANT WBCMT 2007-C31** 12 BUCHANAN STREET, LTD AND v. 13 [PROPOSED] ORDER THEREON MANGOSTEEN; WBCMT 2007-C31 14 BUCHANAN STREET, LTD; and PHILIP TRI NGUYEN, an individual dba 15 MANGOSTEEN, 16 Defendants. 17 18 19 20 The parties, by and through their respective counsel, stipulate to dismissal of defendant 21 WBCMT 2007-C31 BUCHANAN STREET, LTD., of this action with prejudice pursuant to 22 Fed.R.Civ.P.41(a)(1). Outside of the terms of the Settlement Agreement and General Release 23 ("Agreement") herein, each party is to bear its own costs and attorneys' fees. Therefore, IT IS 24 HEREBY STIPULATED by and between parties to this action through their designated counsel 25 that the above-captioned action be and hereby is dismissed with prejudice pursuant to Federal 26 Rules of Civil Procedure section 41(a)(1). 27 /// 28 STIPULATION OF DISMISSAL OF DEFENDANT WBCMT 2007-C31 BUCHANAN STREET, LTD AND [PROPOSED] ORDER THEREON

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1	This stipulation may be executed in counterparts, all of which together shall constitute	
2	one original document.	
3		
4		THOMAS E. FRANKOVICH
5		A PROFESSIONAL LAW CORPORATION
6		By: /s/ Thomas E. Frankovich Thomas E. Frankovich
7		Attorney for CRAIG YATES, an individual
8		
9		
10	Dated: , 2011	DUANE MORRIS LLP
11		PHILIPPE A. TOUDIC
12		
13		By:
14		Philippe A. Toudic Attorneys for WBCMT 2007-C31 BUCHANAN
15		STREET, LTD
16 17		
18		ORDER
19	IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT	
20	2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed.R.Civ.P.41(a)(1).	
21	Dated: _10/12, 2011	in projudice pursuant to 1 ed.ix.eiv.i .41(a)(1).
22	Dated 10/12, 2011	21101
23		Honorable Judge Richard Coborg
24		UNITED STATE DISTRICT JUDGE
25		
26		
27		
28		

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1	This stipulation may be executed in counterparts, all of which together shall constitute		
2	2 one original document.		
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4		MAS E. FRANKOVICH OFESSIONAL LAW CORPORATION	
5			
6	6 By:_	Thomas E. Frankovich	
7	7 Attor	ney for CRAIG YATES, an individual	
8	8		
9	9		
10		NE MORRIS LLP	
11	PHIL	PPE A. TOUDIC	
12	2	2.7	
13	By: _f		
14	Attor	Phytippe A. Toudic neys for WBCMT 2007-C31 BUCHANAN	
		ET, LTD	
16			
18	200	CR	
19		IT IS HEREBY ORDERED that this matter is dismissed on as to defendant WBCMT	
20	2007-C31 BUCHANAN STREET, LTD with prejudice pursuant to Fed R Civ.P.41(a)(1).		
21	Dated:, 2011		
22	2		
23	Hono	rable Judge Richard Seeborg ED STATE DISTRICT JUDGE	
24		ED STATE DISTRICT JUDGE	
25	.5 N		
26	6		
27	7		
28	8		
	STIPULATION OF DISMISSAL OF DEFENDANT WECMT 2007-CM THEREON	Buchanan Street, LTD and ( <del>profosed</del> ) order -2	